

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DEBBY BARRETT**, on April 1, 2003 at 9 A.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Debby Barrett, Chairman (R)  
Rep. Dee Brown, Vice Chairman (R)  
Rep. Larry Jent, Vice Chairman (D)  
Rep. Norman Ballantyne (D)  
Rep. Arlene Becker (D)  
Rep. Sue Dickenson (D)  
Rep. Carol Gibson (D)  
Rep. Daniel S. Hurwitz (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)  
Rep. Don Roberts (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)  
Rep. Pat Wagman (R)  
Rep. Jonathan Windy Boy (D)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Joan Reiman, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: HJR 36, 3/28/2003; SB 296,  
3/26/2003  
Executive Action: HJR 36 DO PASS,  
SB 252 and SB 239 BE CONCURRED IN AS AMENDED;  
SB 296, SB 455, SB 405 TABLED

**HEARING ON SB 296****Sponsor:** SEN. MIKE TAYLOR, SD 37**Opening Statement by Sponsor:**

**SEN. TAYLOR** said the Commissioner of Political Practices (CPP) is unable to follow through on complaints because of lack of funding. Now they can hire an independent investigator. Fees have not been raised in 20-25 years. The Senate amended this bill to resolve opposition; it doesn't effect mill levies or impose a fee on local ballot issues. The fee is based on what neighboring states charge. Some of the money would go to local political committees. He provided information sheets.

**EXHIBIT (sth69a01)****EXHIBIT (sth69a02)*****{Tape: 1; Side: A; Approx. Time Counter: 0 - 6.8}*****Proponents' Testimony:** None**Opponents' Testimony:**

**Don Hargrove**, Former Senator, said the bill is not necessary, may not even be used, adds to bureaucracy, creates a new function and a selective fee or tax to enact it. There is a fairness issued; it doubles fees for legislators and would discourage candidates. He suggested an amendment that the loser would pay, when complaints are filed with the CPP. The bill may heighten the visibility of negativism.

**Terri Minnow, MEA/MFT**, opposed the bill as it stands, but liked the amendment because the effect on small local unions is minimized. Her concerns are a \$250 fee for ballot issue committees and \$100/year for political action committees (PACs).

***{Tape: 1; Side: A; Approx. Time Counter: 6.8 - 15.5}*****Informational Testimony:**

**Dulcy Hubbert**, Commissioner of Political Practices' Office, was present to answer questions.

**Questions from Committee Members and Responses:**

**Ms. Hubbert** was questioned about the fee for legislators; it would be \$30. She said the CPP cannot afford full-time investigators, but with more funding, could contract out the work. **Mr. Hargrove** was asked how much money would go to the counties. He replied it would not be enough to cover their

increased workload. **REP BALLANTYNE** asked about other bills regarding filing fees. **Ms. Heffelfinger** said SB 339, to be coordinated, changed filing fees.

**{Tape: 1; Side: A; Approx. Time Counter: 15.5 - 23}**

**Closing by Sponsor:**

**SEN. TAYLOR** said the increases are small, reasonable, and those who cannot afford them can opt out. He said the County Commissioners he spoke with had no problems; their people have to do this work anyway. MEA/MFT opposed fees for statewide ballot issues, but they spend thousands on those and create extra paperwork. He needs someone to carry the bill in the House.

**HEARING ON HJR 36**

**Sponsor:**

**REP. JEFF PATTISON, HD 95**

**Opening Statement by Sponsor:**

**REP. PATTISON** said this resolution urged the US Supreme Court to overturn a Ninth Circuit Court finding that reciting the Pledge of Allegiance language "under God" is against the First Amendment.

**{Tape: 1; Side: A; Approx. Time Counter: 25.8 - 29}**

**Proponents' Testimony:**

**Julie Millam, Executive Director, Montana Family Coalition,** testified in support of the bill.

**Terri Paske, Montana State Eagle Forum,** testified in support of the bill.

**EXHIBIT**(sth69a03)

**Gilda Clancy, Former Legislator,** testified in support of the bill.

**Greg Trude, Executive Director, Montana Right to Life,** testified in support of the bill.

**Tom Figarelle, Forward Montana,** testified in support of the bill.

**Lani Candelora, Montana Catholic Conference,** testified in support of the bill.

**Roger Hagan, Montana National Guard Associations**, testified in support of the bill.

**Joanne Nelson, Helena**, testified in support of the bill.

**Rhonda Black** testified in support of the bill.

**Jennifer Paske, Helena,,** testified in support of the bill.

**Ginny Geier, York**, testified in support of the bill.

**Vonni Bray** testified in support of the bill.

*{Tape: 1; Side: A; Approx. Time Counter: 29 - 53}*

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HJR 36

Motion/Vote: REP. BROWN moved that HJR 36 DO PASS. Motion carried 19-0.

*{Tape: 1; Side: A; Approx. Time Counter: 55 - 56}*

EXECUTIVE ACTION ON SB 252

Motion: REP. YOUNKIN moved that SB 252 BE CONCURRED IN.

Motion: REP. YOUNKIN moved that SB 252 BE AMENDED (025201.ash) .

**Ms. Heffelfinger** distributed the amendment.

**EXHIBIT** (sth69a04)

Discussion:

**REP. YOUNKIN** said she had talked to the sponsor and the Secretary of State about a form voters would sign to state they are still Montana residents. **CHAIRMAN BARRETT** asked if it would be

burdensome. **REP. YOUNKIN** said that the Secretary of State's office did not think so.

**Vote:** Motion carried 19-0.

**Motion:** **REP. YOUNKIN** moved that SB 252 BE CONCURRED IN AS AMENDED.

**Discussion:**

Discussion ensued about photo identifications and purging deceased voters off the rolls. **Ms. Heffelfinger** said voters show identifications when registering, not in applying for the ballot. When they return an absentee, they must provide some type of verification of identity. She added that county election administrators purge names of the deceased and voters whose mail is undeliverable.

**Vote:** Motion carried 18-1 with **REP. BROWN** voting no. A proxy was received from **REP. SCHRUMPF**.

*{Tape: 1; Side: A; Approx. Time Counter: 56 - 66}*

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 5}*

**EXECUTIVE ACTION ON SB 455**

**Motion/Vote:** **REP. A. OLSON** moved SB 455 BE TAKEN OFF THE TABLE. Motion failed 8-11 on a roll call vote, with **REPS. BARRETT, BROWN, HURWITZ, JACOBSON, A. OLSON,** and **SCHRUMPF** voting aye. Proxies were received from **REPS. YOUNKIN AND SCHRUMPF**.

**EXECUTIVE ACTION ON SB 239**

**Motion:** **REP. A. OLSON** moved SB 239 CONCURRENCE BE RECONSIDERED.

**Discussion:**

He said **Ms. Heffelfinger** had amendments ready. **REP. BALLANTYNE** asked about the university. **Ms. Heffelfinger** said HB 360 did not include the university; SB 239 would be void if HB 360 passed. They can amend it to include the university if they want to.

**Vote:** Motion carried 19-0 with **REP. SCHRUMPF** voting by proxy.

**Motion:** **REP. A. OLSON** moved that SB 239 BE CONCURRED IN.

**Motion:** REP. A. OLSON moved that SB 239 BE AMENDED.

**EXHIBIT** (sth69a05)

**Ms. Heffelfinger** explained the amendments; the "gray bill" incorporates them. **REP. BROWN** asked if the years of service could include Peace Corps time, and the answer was no. **REP. BROWN** asked where HB 360 was. It is still in the Senate Finance Committee. She asked if SB 239 is an end run around HB 360. **REP. A OLSON** said it was not. The universities cannot give early terminations under current law. He called **Glen Leavitt, Director of Benefits, University System**, who replied he thought they could do that, but it is a legal issue.

**REP. LEHMAN** said the retirement incentive in schools is offset by entry-level pay to new teachers. He asked **Tom Schneider, MPEA**, who replied that the Regents do not have the authority, under MCA 2-18-703, to provide such a program. **REP. DICKENSON** said this would give legislative direction to the Regents. **REP. BROWN** said it gives them the option, if they choose to do it.

**CHAIRMAN BARRETT** said the difference is that under SB 239 they must be retirement age, versus HB 360 which is open to all who wish early termination. **CHAIRMAN BARRETT** asked if they needed a new fiscal note; **Ms. Heffelfinger** said that they did.

REP. SCHRUMPF had returned to the meeting.

**Vote:** Motion carried 19-0, with a proxy from REP. YOUNKIN.

**Motion/Vote:** REP. OLSON moved that SB 239 BE CONCURRED IN AS AMENDED. Motion carried 19-0 with a proxy received from REP. YOUNKIN.

#### **EXECUTIVE ACTION ON SB 296**

**Motion:** REP. BROWN moved that SB 296 BE CONCURRED IN.

**Discussion:** REP. BROWN said this regards filing fees.

**Motion/Vote:** REP. LEHMAN moved that SB 296 BE TABLED. On a roll call vote, motion carried 14-5. Voting no were REPS. JACOBSON, A. OLSON, SMITH, WINDY BOY and YOUNKIN.

#### **EXECUTIVE ACTION ON SB 339**

**Motion:** REP. A. OLSON moved that SB 339 BE CONCURRED IN.

**REP. BROWN** said the conflict resolution is a moot point on filing fees.

Motion was withdrawn.

**EXECUTIVE ACTION ON SB 455**

**Discussion:**

**REP. B. OLSON** said that **SEN. COONEY** had told him he would amend to clarify if this bill was brought off the table. **REP. JENT** said he had rethought the constitutional issue, and would take another look.

**Motion/Vote:** **REP. B. OLSON** MOVED TO TAKE SB 455 OFF THE TABLE. Motion carried 10-9 with **REPS. BROWN, ROBERTS, WAGMAN, LENHART, A. OLSON, LEHMAN, SCHRUMPF, HURWITZ** and **YOUNKIN** voting no.

**Motion:** **REP. B. OLSON** moved that SB 455 BE CONCURRED IN.

**Discussion:** **REP. B. OLSON** said he was not friendly to the bill.

**Motion/Vote:** **REP. BROWN** moved that SB 455 BE TABLED. Motion carried 12-7 on a roll call vote with **REPS. BECKER, DICKENSON, GIBSON, JACOBSON, JENT, SMITH,** and **WINDY BOY** voting no.

**EXECUTIVE ACTION ON SB 405**

**Motion:** **REP. BROWN** moved SB 405 BE RECONSIDERED.  
(It had been concurred in as amended on 3/28/03.)

**Discussion:**

**Ms. Heffelfinger** explained they had passed a conceptual amendment, but the editors and legal review later raised concerns. The rules would have been put on the interim committee agenda, but this notification occurs already. The amendment would be outside the scope of the title. Committee could strip the amendments, she said.

**Vote:** Motion carried 19-0, with **REP. YOUNKIN** voting by proxy.

**REP. YOUNKIN** returned to the room.

Motion/Vote: REP. OLSON moved that SB 405 BE TABLED. Motion carried 15-4 with REPS. BARRETT, BROWN, SMITH, and YOUNKIN voting no.



**ADJOURNMENT**

Adjournment: 10:40 A.M.

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REP. DEBBY BARRETT, Chairman

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JOAN REIMAN, Secretary

DB/JR

**EXHIBIT (sth69aad)**